

REMARKS

Claims 21 to 24 are added, and therefore claims 10 to 24 are currently pending in the present application.

Applicant thanks the Examiner for acknowledging the claim for foreign priority, for indicating that all certified copies of the priority documents have been received, and for accepting the Drawings.

In view of the following, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Claims 10, 11 and 17 were rejected under 35 USC § 103(a) as anticipated by U.S. Patent No. 5,554,983 ("Kitamura") in view of U.S. Patent No. 7,436,887 ("Yeredor").

To reject a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a *prima facie* case of obviousness. *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish *prima facie* obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Also, as clearly indicated by the Supreme Court in *KSR*, it is "important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements" in the manner claimed. *See KSR Int'l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727 (2007). In this regard, the Supreme Court further noted that "rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *Id.*, at 1396. Second, there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

While the rejections may not be agreed with, to facilitate matters, claim 10 has been rewritten to include the features of *recording the movement of the at least one object as entries in a list; and when the list is full, re-initializing the list while carrying over at least*

one entry from the list; and when a most recent entry of the list corresponds to the standstill and the list is full, re-initializing the list while carrying over a most recent entry that corresponds to the movement of the at least one object in addition to carrying over the most recent entry corresponding to the standstill.

The Kitamura reference does not disclose nor suggest the above-discussed features of claim 10, as presented. For example, Kitamura does not describe or suggest the feature of re-initializing a list of entries corresponding to the recorded movement of an object. The Yeredor reference also does not disclose nor suggest the above-discussed features of claim 10, as presented, and therefore does not cure – and is not asserted to cure -- the critical deficiencies of the Kitamura reference.

Accordingly, it is respectfully submitted that claim 10 is allowable, as is claim 11, which depends from 10.

Claim 17, as presented, includes features like those of claim 10, and it is therefore allowable for at least the same reasons as claim 10, as presented.

Withdrawal of the obviousness rejections of claims 10, 11 and 17 is therefore respectfully requested.

Claims 12 to 16 and 18 to 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kitamura in view of Yeredor and U.S. Patent 5,966,074 (“Baxter”).

Claims 12 to 16 and 18 to 20 respectively depend from claims 10 and 17, and are therefore allowable for essentially the same reasons, since the further applied references do not cure – and are not asserted to cure – the deficiencies of the primary reference(s).

In particular, Baxter only refers to comparing a newly detected center of mass against the last values in each of a plurality of trajectory threads. This allows the center of mass to be tracked using the proper thread, since each thread corresponds to a different center of mass -- i.e., a different object. In contrast to the feature of *reinitializing a list by carrying over a value from the old list*, as provided for in the context of the presently claimed subject matter. The Baxter reference merely refers to the continuation of an existing list by appending new values to the end of the existing list. Therefore, Baxter teaches away from both creating a new list and reinitializing a list when motion is detected again. Also, Baxter does not address the situation in which new values are the same as old values, since it only refers, at best, to

thread continuation in the context of a change from no detected motion to newly detected motion.

Additionally, none of the applied references discloses or suggests the feature in which *when a most recent entry of the list corresponds to the standstill and the list is full, re-initializing the list while carrying over a most recent entry that corresponds to the movement of the at least one object in addition to carrying over the most recent entry corresponding to the standstill*, as provided for in claims 10 and 17, as presented.

Accordingly, claims 12 to 16 and claims 18 to 20, which respectively depend from claims 10 and 17, as presented, are allowable, since Baxter does not cure the critical deficiencies of the Kitamura and Yeredor references.

Withdrawal of the obviousness rejections of claims 12 to 16 and 18 to 20 is therefore respectfully requested.

As further regards all of the obviousness rejections, any Official Notice is respectfully traversed to the extent that it is maintained and it is requested that the Examiner provide specific evidence to establish those assertions and/or contentions that may be supported by the Official Notices under 37 C.F.R. § 1.104(d)(2) or otherwise. In particular, it is respectfully requested that the Examiner provide an affidavit and/or that the Examiner provide published information concerning these assertions. This is because the § 103 rejections are apparently being based on assertions that draw on facts within the personal knowledge of the Examiner, since no support was provided for these otherwise conclusory and unsupported assertions. (See also MPEP § 2144.03).

New claims 21 to 25 do not add any new matter and are supported by the present application. Claims 21 and 22 depend from claim 10, and claims 23 and 24 depend from claim 17. Claims 21 to 24 are therefore allowable for the same reasons as their respective base claims. Additionally, each of claims 21 to 24 provides further features that are not disclosed or suggested by the applied references, as any review of the applied references makes plain.

New claim 25 is to a method for tracking at least one object in a scene, the method comprising: tracking the at least one object in the scene by an image generator, the image generator generating a sequence of images of the scene; attributing a movement to the at

least one object as a function of sequential ones of the images; starting a counter when it is detected that a previously moving object is at a standstill; generating a signaling as a function of a reading of the counter; and providing a respective list that describes a movement of the at least one object with respect to motion vectors and time. This last feature is nowhere described nor suggested by any of the applied references. It is noted that this corresponding claim was granted in the corresponding European patent application. Accordingly, claim 25 is allowable over the applied references.

In sum, claims 10 to 25 are allowable.

CONCLUSION

In view of the foregoing, it is respectfully submitted that all of the presently pending claims are allowable. It is therefore respectfully requested that the rejections (and any objections) be withdrawn, since all issues raised have been addressed and obviated. An early and favorable action on the merits is therefore respectfully requested.

Respectfully submitted,

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